

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

WILLIAM E.,

Case No. 18-cv-2668 (DTS)

Plaintiff,

v.

ORDER

NANCY A. BERRYHILL,
*Acting Commissioner of
Social Security,*

Defendant.

The above matter came before the undersigned on May 3, 2019 upon Plaintiff's Motion for Summary Judgment [Docket No. 14] and Defendant's Motion for Summary Judgment [Docket No. 17].

The Court, being duly advised in the premises, upon all of the files, records and proceedings herein, and for the reasons articulated on the record, now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Plaintiff's Motion for Summary Judgment [Docket No. 14] is GRANTED. The case is remanded to the Administrative Law Judge for further consideration. In particular, the ALJ is directed to: (1) either make explicit his basis for determining the Plaintiff can relate to co-workers and supervisors on an "occasional" basis, or pose a hypothetical to the Vocational Expert that incorporates the agency reviewers' "brief and superficial" limitations; (2) incorporate the "environment with fewer persons" limitation into the hypothetical posed to the Vocational Expert; and (3) make transparent his determination regarding Plaintiff's panic attacks and incorporate that determination into the hypothetical posed to the Vocational Expert.

2. Defendant's Motion for Summary Judgment [Docket No. 17] is DENIED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 9, 2019

s/David T. Schultz
DAVID T. SCHULTZ
United States Magistrate Judge